THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.11467 of 1999

Dated: 28.03.2007

Between:

Thaduku Rukmani Amma W/o late Thaduku Venkatragapillai

..... PETITIONER

AND

The District Collector, Chittoor and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.11467 of 1999

ORDER:

Petitioner claims to have inherited an extent of Ac.0.70 cents of land in Sy.No.227/2 along with the house and well thereon, situated at Iruguvai village Bugga Agraharam Gram Panchayat in Nindra Mandal of Chittoor District, from her husband and mother-in-law. She alleges that her husband and mother-in-law purchased an extent of Ac.0.29 cents and Ac.0.17 cents in the said survey number, respectively, under registered sale deeds dated 16.07.1927 and 04.01.1924, respectively, and the remaining extent of Ac.0.14 cents in the said survey number was their ancestral property. While so, respondents alleged to have tried to assign the said land to third parties without initiating proceedings under the Land Acquisition Act and without following due process of law. She also statedly made representations to the respondents bringing all the facts to their notice, in vain. Hence, this writ petition seeking a direction

to the respondents not to interfere with her possession and assign the said land to any third parties, without following due process of law.

The third respondent filed a counter affidavit stating that the land in question has been classified as grama kantam as per the village accounts, and therefore, she cannot claim any title over the said land, as the grama kantam land should be used only for providing house sites to the poor. It is further stated that during inspection it was found that some other persons are cultivating the land in question, and therefore, notices under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short "the Act") were issued to them, and they submitted their explanations and thereafter, orders under Section 6 of the Act were also passed directing them to vacate and deliver possession of the said land for distributing the same to the poor. It is concluded in the counter that if the petitioner has any grievance, she can approach the civil Court seeking appropriate relief, and this writ petition is not maintainable.

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment.

As the petitioner claims that the land in question belongs to her family and the respondents are trying to assign the same without following due process of law, the respondents are hereby directed to acquire the said land only after following due process of law.

Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

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28.03.2007

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